

VIA FACSIMILE SEPTEMBER 3, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ROSEN et al.

Attorney Docket No.: PTZ02 #3

Application Serial No.: 09/764,886

Filed: January 17, 2001

Publication No.: US 2002/0086822 A1

Published: July 4, 2002

Examiner: Zhou, S.

Art Unit: 1631

Title: Nucleic Acids, Proteins, and Antibodies

REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)
DUE TO MATERIAL OFFICE MISTAKE

Box PGPUB
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the publication entirely omits all of the 136 provisional applications to which the instant application claims benefit under 35 U.S.C. § 119(e).

The above mistake is apparent from the Office records, as the Application Data Sheet and the Official Filing Receipt each contain the correct list of priority applications in its entirety. Moreover, the mistake is material, as the missing priority claims affect the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without any priority applications being listed, an examiner or member of the public would incorrectly presume that the effective date of the publication as a reference was the filing date of the application (January 17, 2001), rather than the correct date nearly one year earlier. Indeed, in order to correctly determine the effective filing date of the present

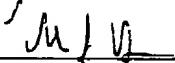
publication, an examiner or member of the public would first be forced to obtain the correct priority information from the Office, thus undermining the use of the publication (and published applications in general) for § 102(e) purposes.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: September 3, 2002



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FROM: Mark J. Hyman (Reg. No. 46,789)

RE: Application of: Rosen et al.

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COMMENTS:

Please see the attached Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake.

If you experience any difficulty receiving this transmission,
please contact Mark J. Hyman at (240) 314-1224.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

1. Fax Cover Sheet
2. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake
3. Associate Power of Attorney

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 3, 2002.

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